

1 JOHN O'CONNOR
2 O'Connor & Associates
3 One Embarcadero Center, Suite 1020
4 San Francisco, CA 94111
5 Telephone: 415-693-9960
6 Facsimile: 415-981-0222

7 BRUCE A. SINGAL
8 DAMIEN C. POWELL
9 Donoghue, Barrett & Singal, P.C.
One Beacon Street
Boston, MA 02108
Telephone: (617) 720-5090
Facsimile: (617) 720-5092

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 U.S. SMALL BUSINESS) CASE NO. 07-03739 VRW
15 ADMINISTRATION, as Receiver for)
16 PROSPERO VENTURES, L.P.,) Related Cases:
17 Plaintiff,) C07-03732-VRW; C07-03736-VRW;
18 v.) C07-03738-VRW; C07-03741-VRW;
19 JOHN M. SLOANE,) C07-03737-VRW
20 Defendant.)
21) APPLICATION FOR CONTINUANCE OF
22) HEARING ON PLAINTIFF'S MOTION TO
23) STRIKE AFFIRMATIVE DEFENSES AND
24) MOTION FOR JUDGMENT ON THE
25) PLEADINGS
26)
27)
28)

29
30 The above-captioned matter is currently scheduled to be heard by the Court on Plaintiff's
31 Motion to Strike Affirmative Defenses and Motion for Judgment on the Pleadings on June 12,
32 2008 at 2:30 PM. Defendant respectfully requests a one week continuance of the hearing date
33 until June 19, 2008 at 2:30 PM. As grounds therefore, Defendant states that his attorneys, Bruce
34 A. Singal and Damien Powell, have a long scheduled arbitration in Massachusetts on June 12,
35 2008.

1 Defendant's counsel informed Plaintiff's counsel of this conflict. Plaintiff's counsel
2 subsequently told Defendant's counsel that he had forwarded Defendant's request for a
3 continuance to his client and would determine whether to file an opposition or notice of no
4 opposition after hearing back from his client.
5

6 WHEREFORE, Defendant respectfully requests that this motion for continuance be
7 granted. Defendant has attached a Proposed Order as Exhibit A.
8

9 Dated: May 15, 2008

10 DONOGHUE, BARRETT & SINGAL, P.C.

11 By: /s/ Damien Powell
12 Damien Powell
13 Bruce A. Singal
14 Attorney for Defendant
15 *Appearance Pro Hac Vice*

16 O'CONNOR & ASSOCIATES
17 John O'Connor
18 Attorney for Defendant
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On May 15, 2008, I served the foregoing document(s) described as APPLICATION FOR
CONTINUANCE OF HEARING ON PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE
DEFENSES AND MOTION FOR JUDGMENT ON THE PLEADINGS on the interested
parties, at the addresses as stated below.

Via First Class Mail:

Arlene P. Messinger
US Small Business Administration
409 3rd Street, SW, 7th Floor
Washington, DC 20416
202-205-6857

Via Electronic Mail:

Christine Jean Levin
Coleman & Horowitz, LLP
499 W. Shaw Avenue
Suite 116
Fresno, CA 93704
559-248-4820
Email: clevin@ch-law.com

Darryl J. Horowitz
Coleman & Horowitz, LLP
Attorneys at Law
499 West Shaw Avenue
Suite 116
Fresno, CA 93704
559-248-4820
Fax: 559-248-4830
Email: dhorowitz@ch-law.com

1
2 **Via Federal Express Overnight:**

3 Hon. Vaughn R. Walker
4 U.S. District Court, Northern District
5 450 Golden Gate Avenue
6 San Francisco, CA 94102

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on
8 May 15, 2008, in Boston, Massachusetts.

9
10 /s/ Damien Powell
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Damien C. Powell